

## REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 5, 9, 13 and 23-31 are requested to be cancelled.

Claims 10 and 17 are currently being amended.

No claims are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

Claims 1-4, 6-8, 10-12 and 14-22 are now pending in this application.

### Claim Rejections

#### 35 U.S.C. § 112

Claims 10 and 17 were rejected under 35 U.S.C. § 112 on the basis that there is insufficient antecedent for the limitation in the claim. Claims 10 and 17 have been amended to clarify these limitations. Accordingly, Applicant respectfully requests the withdrawal of these rejections.

#### 35 U.S.C. § 102

Claims 1, 2, 6-8, 10, 11, 14-17, 20 and 22 were rejected under 35 U.S.C. § 102 (e) as being unpatentable over U.S. Patent No. 6,625,460 in the name of Patil (hereinafter "Patil"). Applicant respectfully traverses these rejections for at least the following reasons.

As previously provided, embodiments of the present invention relate to systems and methods for complete message delivery to a communication device. In some embodiments, a message notification is parsed to determine a set of parameters pertaining to the complete message. This set of parameters is compared to an established set of criteria for retrieving the

complete message. If the set of parameters satisfies the established set of criteria, the complete message is downloaded. For example, before a complete message may be sent, the set of parameters may be utilized to determine whether or not the second communication network is capable, or preferably configured, to efficiently receive and transmit the complete message to a user. Specifically, claim 1 recites the steps of “connecting to a message server through a second communication network” and “comparing the set of parameters to an established criteria for retrieving complete messages; and downloading the complete message if the set of parameters satisfies the established criteria.” (underling added).

The disclosure provided by Patil does provide an SMS service, however, it differs from the present invention. Patil fails to provide that parsed parameters are compared to “established criteria,” in order to retrieve and download the message, as is provided within the present application in paragraphs 35-54. Patil only provides that the message may contain information from specific content provider, in order for further parsing of parameters to occur. Even more, Patil fails to disclose the “downloading of the complete message” if these established criteria are met. The present invention specifically discloses this embodiment in order to establish that all necessary criteria have been met and in order to ensure the maximum usage of the best connection made for the complete message to be successfully delivered to the communication device. This is further discussed in an exemplary embodiment in paragraphs 53-55. Patil fails to teach at least this aspect of the present invention. Therefore, Applicant believes this claim is now in condition for allowance.

Claims 2 and 6-8 depend, either directly or indirectly, from allowable claim 1 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Next, Examiner rejected independent claim 10, consistently referring to the “communication device” claimed within the present invention, to “message server.” Specifically, the Examiner recites that Patil discloses “receiving a download request from the communication device based on the comparison of the set of parameters to the established criteria; and sending the complete message to the communication device through a second communication network.” Applicant respectfully disagrees with this assertion. As is

provided in claim 1, "message server" would be utilized in claim 10, if that were what "communication device" were to mean. A communication device, as is described by the Examiner on page 5 of the office action, is meant as a "page, fax machine, cellular phone, etc.," as is disclosed within the specification of the present invention. Therefore, Examiner provides an incorrect comparative example to the referenced Patil. Further, Patil fails to provide that the message being sent from a first network to the communication device, is constructed with parameters for established criteria in order for the communication device to provide a download request. Even more, Patil never discloses that once the request is received, the message is sent through a second communication network to the communication device. Accordingly, Applicant respectfully requests these rejections to be withdrawn.

Claims 11 and 14-16 depend, either directly or indirectly, from allowable claim 10 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Finally, the Examiner rejects claim 17, providing that all aspects of the claim are found within Patil. Applicant respectfully disagrees. The Examiner recites that Patil discloses both a message control module and a message filter "configured to screen messages prior to notifying the communication device of the complete message". However, Patil fails to provide these aspects of the claimed present invention, in particular the filter. Patil discloses a "processor, a time keeping facility, a processor program memory, and a message memory. As well, the teachings of Patil provide for a continually updating system, that may or may not utilize parameters specified within the message content. Patil fails to provide that these parameters must be compared with established criteria prior to the complete message being sent and that the parameters are always inclusive of the message itself. The present invention discloses not only a differently operating message server and system, but also an improvement to Patil, which only provides parsing to identify a type of message and further parsing if it is inclusive of content provider information.

Claims 20 and 22 depend, either directly or indirectly, from allowable claim 10 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

35 U.S.C. § 103

Claims 3-4, 12, 18-19 and 21 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over Patil further in view of Mousseau, Katz, Bertacchi and Sofer. Applicant respectfully traverses these rejections. These claims depend either directly or indirectly on independent claims 1, 10 and 17 and are, therefore, patentable for at least that reason, as well as for additional patentable features when those claims are considered as a whole.

Mousseau, Katz, Bertacchi and Sofer, either individually or in combination, fail to cure the aforementioned deficiencies in Patil's disclosure. Accordingly, Applicant respectfully requests these rejections be withdrawn.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are

needed for timely acceptance of papers submitted herewith. Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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